



CRL OP(MD). No.20386 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20386 of 2023

S.Chithirai Selvan

... Petitioner/Sole Accused

Vs

The State represented by
The Sub Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
Crime No. 569 of 2023.

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 569 of 2023 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022 in Crime No.569 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to illicit intimacy with the defacto complainant, the petitioner herein has attacked the defacto complainant by using hands. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, seeks anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant has not sustained any injury in the said occurrence and the investigation of the case is pending.



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5. On perusal of the FIR, it is noticed that it is a case of previous motive between the petitioner and the defacto complainant.

6. Taking into consideration the principles stated by the Honourable Supreme Court in **Gurubaksh Singh Sibbia Etc., vs. State of Punjab** reported in 1980 AIR 1632 and **Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others** reported in (2009)4 SCC 437 and **Joginder Kumar vs. State of U.P. and others** reported in (1994)4 SCC 260, this Court is of the considered view that the alleged offence against the petitioner is not a case of heinous crime. Further, the petitioner is having permanent resident at Thirunelveli District and the origin of the crime is family dispute. In this circumstances, the principles stated in **Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar** reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.



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[e] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-
15/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, THIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
PANAGUDI POLICE STATION, PANAGUDI,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-16402[I] dated 17/11/2023)

ORDER

IN

CRL OP(MD) No.20386 of 2023

Date :15/11/2023

SS/VRS/SAR- /23/11/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023